

Loretta A. Palmer  
3361 Dolphin Drive  
Blasdell, New York 14219  
716-8352

June 3, 2013

United States Attorney's Office  
138 Delaware Avenue  
Buffalo, New York 14202

Attention: Ms. Sharon Knope

Dear Ms. Knope:

Re: United States v. Tonawanda Coke Corporation and Mark L. Kamholz

This letter is submitted as my Impact Statement in regard to the above case.

A while back my husband Daniel D. Palmer was employed by the Tonawanda Coke Corporation, and upon receiving his Stationary Engineer license he worked in that capacity, remaining in their employ for a period of 10 years.

I sadly and painfully recollect the stories he told about the conditions where he worked and how he looked in the coke dust that covered him. He spoke of being called to the office because of his complaints of the environmental and health threatening conditions that existed and the cover-ups that were going on to hide them. As he feared retaliation he told them that he had videos of what was going on. When he realized that these conditions were not going to improve he found employment elsewhere.

Too late – he became a victim. Dan, my husband and father of 2 sons, grandfather of 3 (at that time) was diagnosed with lung cancer that metastasized into his bone. It had eaten away a good portion of his hip and the pain he suffered made it impossible to walk. He died 5 months after diagnoses. He did not see his youngest son's first son or the twin boys that followed. He did not celebrate our 50<sup>th</sup> anniversary. He did not see the proms and graduations or the 4 year old grandson riding a two wheel bike for the first time. He did not hold and kiss me any longer. He did not see my pain and his loved ones' tears. What sentence appeases all that?

Respectfully,



Attention Sharon Knope, US Attorney's Office;

My name is IDA M. PAUSE

I live at

657 EVERGREEN DR

I have lived in Tonawanda for 70 years.

**The Tonawanda Coke Corporation affected you and your family?**

I am at the outer perimeter of the effective are map. However, The wind Does blow from Ton. Coke area over my house. I have been treated for breast cancer and my husband has Myelodysplastic Syndrome a pre leukemia. He is 80. There Both of our families were cancer free. I am sure The environment has something to Do with it.

**What type of sentence do you think the corporation should receive?**

**(Tonawanda Coke could face up to \$200 million in fines)**

MAKE them PAY a lot of money - then MAYBE they will clean up ALL their factories

**Is there anything else important you want the judge to know?**

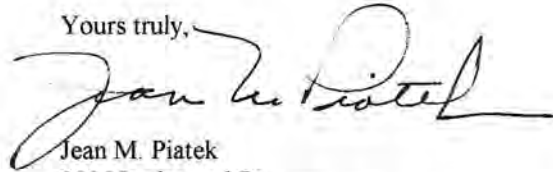
I don't think the plant manager should go to prison.

April 28, 2013

To whom it may concern:

My name is Jean Piatek and I have lived at my current address in the Town of Tonawanda since 1971. Since 1994 my body has been bombarded with tumors and illness. When I asked the doctors why, the answer was always the same: Environmental. I have had a tumor attached to my ovary and subsequent surgery at Roswell in 1994. In 1999 I was diagnosed and had surgery for a brain tumor pressing on my optic nerve and lost part of my eyesight at the time. In 2009 I was treated with radiation for a multiple tumors on my thyroid. Now that I know what in the environment probably caused these illnesses and suffering, not to mention the thousands of dollars spent on medical bills, I am very angry and distraught that Tonawanda Coke was allowed to spill toxic chemicals into our environment.

Yours truly,



Jean M. Piatek  
288 Northwood Dr.  
Town of Tonawanda, NY 14223  
716- [REDACTED] 7418  
716- [REDACTED] 6322  
nyshomes@[REDACTED]

Tricia Pierce  
273 Victoria Blvd  
Kenmore, NY 14217

Judge William Skretny  
138 Delaware Ave.  
Buffalo, NY 14202

Dear Judge Skretny:

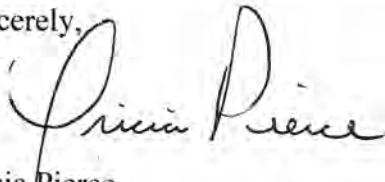
I am an employee of Tonawanda Coke and I feel I am a victim. I have worked there for 8 years and I along with all of the other employees as well as the company have diligently been working to comply with all of the regulations set forth by the government. Since when does the government prosecute instead of working with a company to comply?

As far as the individuals in the area who have suffered health issues, the Tonawanda-River Rd. area is a large industrial corridor. The list of companies in the area that contribute to the air quality is immense. It has been stated in reports that Tonawanda Coke is not the sole contributor. You can look around in every direction and see the stacks from all of the different businesses. Why is it that Tonawanda Coke is the only one being blamed for all of the problems in the area?

I have been a part of and seen the major improvements being made at the company since the day I started 8 years ago through today. It does not make sense to impose monstrous fines to a company crippling its efforts to improve. Is it the goal to shut the company down and put over 100 people out of work, or to continue to allow the improvements being made to better the air quality in the industrial corridor?

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tricia Pierce". The signature is written in dark ink and is positioned above the printed name.

Tricia Pierce



## CITY OF TONAWANDA, NEW YORK

### OFFICE OF THE MAYOR

200 Niagara Street Tonawanda, New York 14150 – 1099  
Phone: (716) 695 – 8645 Fax: (716) 695 – 8314  
E-mail: [mayor@ci.tonawanda.ny.us](mailto:mayor@ci.tonawanda.ny.us)

**RONALD J. PILOZZI**  
Mayor

**RICHARD PLANAVSKY**  
Administrator  
**GINA S. BUTCHER**  
Executive Secretary

June 20, 2013

Honorable William M. Skretny, Chief District Judge  
United States District Court  
Western District of New York  
2 Niagara Square  
Buffalo, NY 14202-3350

**RECEIVED**  
**WILLIAM M. SKRETNY**

JUN 24 2013

Dear Honorable Skretny:

**United States District Court**  
**Western District of New York**

I am writing on behalf of the residents of the City of Tonawanda to express a generalized victim impact statement on how the illegal actions of the Tonawanda Coke Corporation (Tonawanda Coke) have hurt the City of Tonawanda.

We are working hard in the City of Tonawanda to make our City a great place to live, work, play and raise a family. In that respect we have worked two decades and spent over \$20 million and (this year) have completed the cleanup of the former Spaulding Fiber industrial site. It is ready for community and economic development. Also, we are planning a housing development in our city near Veterans Park to provide new housing for City residents and boost our tax base. We recently have made well over \$2 million dollars in park improvements to benefit our citizens and attract visitors to boost our local economy.

Despite our efforts to boost our City's image and standard of living, the City of Tonawanda continues to suffer from the environmental damage done by Tonawanda Coke both through our proximity to Tonawanda Coke and our Tonawanda name. We know well through our efforts to boost our city how our association with Tonawanda Coke spoils our City's image in the minds of many businesses and homebuyers.

As mayor of Tonawanda I urge you to impose a fine on Tonawanda Coke for their willful violation of environmental law enacted to keep communities such as the City of Tonawanda clean and safe. These fines should be of the magnitude needed and spent locally to mitigate the damage that was done by Tonawanda Coke to nearby communities that bore the brunt of the fallout from its illegal actions.



I respectfully request that the maximum monetary penalties be levied against Tonawanda Coke Corp. for the environmental health and safety harm done to the residents of our community. I also request that the portion, if not all, of the funds levied be set aside for the local communities to fund projects that enhance the health, welfare and environment that was affected by the illegal actions of Tonawanda Coke Corp.

Thank you for your kind consideration.

Sincerely,



Ronald J. Pilozzi  
Mayor – City of Tonawanda

Cc Carleton Zeisz, Common Council President  
Council Members  
Jan Bodie, City Clerk  
Anthony Caruana, Supervisor Town of Tonawanda  
Senator Mark Grisanti  
Assemblyman Robin Schimminger  
Legislator Kevin Hardwick  
Jackie James Creeden, Clean Air Coalition



*DLR Associates*

June 29, 2013

Honorable William M. Skretny  
Chief United States District Judge for the Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue, Buffalo, NY 14202.  
(716) 843-5828  
[sharon.knope2@usdoj.gov](mailto:sharon.knope2@usdoj.gov)

Re: Tonawanda Coke

Dear Justice Skretny:

My name is Diane L. Reboy. I am a New York State Registered Nurse with a Master of Science degree in Health Services Administration after obtaining my nursing degree at D'Youville College. I have been practicing as a professional registered nurse for over 35 years. I also maintain active registered nurse licensure in California and New Jersey. My professional credentials include: certified nurse life care planner (CNLCP), certifications as a legal nurse consultant (LNCC) and forensic nurse (CFN). I maintain active memberships in the American Association of Nurse Life Care Planners, American Association of Legal Nurse Consultants and American College of Forensic Examiners International as well as being a member of the Board of Forensic Nursing. I currently am an associate member of the Bar Association of Erie County. I have also authored a chapter on trial preparation and trials in the third edition of the American Association Legal Nurse Consultant's Principles and Practices.

I have been involved in writing appeals for a medical center, when the patient's inpatient care has been denied. Over the last two years, I have seen the denials from both the government and commercial insurances increase. Usually the commercial insurances will follow the CMS payment standards as indicated in the United States Code 42.

As a certified nurse life care planner, I have prepared life care plans and medical cost projections for both plaintiff and defense attorneys on catastrophic illnesses and injuries. Although the residents voted recently for several projects to be used from any fines that you impose, I would like to see some of the fine money set aside for those who may not be aware they have a related medical problem now, but may be diagnosed in the future. I believe that the residents did not think about the effects in relationship to the Affordable Health Care Act and that the insurances may not pay for medical treatment since this was a toxic event.

I base this on being a Kenmore-Tonawanda resident for close to 60 years and having been involved with investigative processes of an outbreak of nonHodgkins Lymphoma

214 McKinley Avenue  
Kenmore, New York 14217-2438

[dlrassociates@gmail.com](mailto:dlrassociates@gmail.com)  
716-572-5708/ 716-874-9214

Page 2

in the 1980's at a Ridge Lea complex where I worked as a visiting nurse. I worked with both the employer and union on educating them on the medical aspects of the alleged toxic contamination. This also led me to meet Lois Gibbons, the spokesperson with Love Canal.

Too often people see the reported \$220 million in fines as a way to better their community but sometimes they do not see the full picture that I see as a result of doing life care plans. Thus the money is allocated to projects that have no connection to the real issue at hand; toxic chemicals causing cancer and death. My mother had been a resident of Kenmore-Tonawanda all her life and her cause of death was nonsmall cell lung cancer. Unfortunately, she passed away before the benzene issue was brought to light.

I am writing this impact letter as a patient advocate. In our state practice act, we are termed patient advocates and our job is to do the best for our patients.

I hope that my insight into applying some of the funding for those who may not have insurance coverage and for those who may not currently be diagnosed with cancer; but could be diagnosed in the future, similar to the mesothelioma funding from asbestosis.

Thank you for allowing this privilege of addressing the court on this important issue.

Respectfully yours,

Diane L. Rebo, MS, RN, CFN, LNCC, DABFN, FABFEI, CNLCP  
Fellow of American College Forensic Examiners International  
Diplomate of American Board of Forensic Nursing  
Certified Nurse Life Care Planner  
Legal Nurse Consultant Certified  
Certified Forensic Nurse Consultant  
Certified LexisNexis CaseMap Suite Legal Nurse Consultant



July Exhibit 47 2013

US Attorney's Office  
ATTN: Sharon Knope  
138 Delaware Avenue  
Buffalo, NY 14202

Re: Tonawanda Coke

Dear Judge William Skretny,

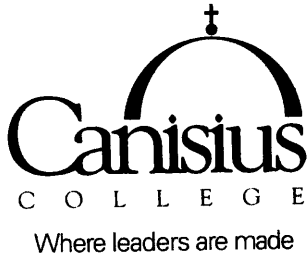
I appreciate you taking the time in letting me tell my story. I have lived at 94 Dunlop Avenue for 26 years, very close to Tonawanda Coke facility. I thought this would be a safe and clean community to bring up my family. Instead I'm subjected to soot, smells and chemicals in my air and soil. I have 2 children, 26 and 21. My 21 year old daughter has and is suffering from numerous medical problems. All of which no family history. She has had mandibular and maxillary cysts times four since the age of eleven requiring oral surgeries, with one hospital stay- to date she receives yearly panoramic x-rays for early detection. At nineteen, she lost an ovary and fallopian tube to a benign tumor the size of a baby's head resulting in an incision in the abdomen similar to a c-section for removal.

Her remaining ovary currently has 4 tumors on it that is being monitored with pelvic ultrasounds twice a year. We are currently seeing an oncologist to see if we can preserve the remaining ovary. How awful would that be to lose this ovary and become sterile and menopausal at the age of 22? She also had sinus surgery in 2013 due to overgrowth of tissue and her nasal passages were blocked, with no history of any type of allergies. By chance during a catscan and MRI of her sinuses they found a pituitary tumor (located in the brain) currently we are following this with yearly MRIs.

My son at age 7 had surgery for removal of his grossly infected adenoids and sinuses irrigated. To his advantage he moved out at the age of 16 out of this "love canal" area. As for myself last year I was diagnosed with Hoshimoto's disease, my thyroid is being attacked by my own antibodies. Seven years ago I stopped planting my vegetable garden; How safe were those "organic" vegetables to eat? If I could I would sell my home and move elsewhere unfortunately my family and I are financially strapped to stay here.

I hope my story helps in your determination of maximum sentencing for the Tonawanda Coke facility.

*Sincerely,*  
*Catherine Rinard*  
Catherine Rinard



**Sociology, Anthropology,  
Criminal Justice**

July 17, 2013

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue  
Buffalo, NY 14202

RE: People vs. Tonawanda Coke  
Impact Statement

To Whom it May Concern:

As both a concerned citizen of North Tonawanda as well as a sociologist who has been involved in research with the Clean Air Coalition of Western New York, I am submitting this impact statement as evidence of health concerns in the Tonawanda Industrial corridor.

During the summer of 2010, Dr. William Sheider and myself conducted a research study called *The Stories Project*. Together with Erin Heaney and members of the Clean Air Coalition, we interviewed 30 families living adjacent to the Tonawanda Coke facility, specifically asking for their ideas, concerns and perceptions of risk while living in the industrial corridor in Tonawanda. The results were staggering. Nearly 100% of respondents reported feeling concerned or worried about their health as a result of where they lived. Many of the respondents spoke of specific health concerns, namely asthma, chronic obstructive pulmonary disorder (COPD), season and non-seasonal allergies, and autoimmune concerns. These health concerns have been documented in scientific and toxicological literature to be associated with exposure to air pollution, namely benzene.


As a resident of the Tonawandas and an environmental sociologist whose research focuses on environmental justice for individuals who live in toxic corridors, I implore you to consider the highest level of financial burden on Tonawanda Coke Corporation so that they are forced to comply with standard set by the United States Environmental Protection Agency. The participatory budget process set forth by the Clean Air Coalition will provide a series of projects for which this settlement will be applied. These projects will further address pollution and health issues facing Western New York in general and Tonawanda in particular.

I have attached a small selection of the white paper of our results. Note that you will find the University at Buffalo Institutional Review Board approved the study and the limitations of the study are also noted.

Please feel free to contact me with any questions you may have.

Sincerely,

Erin E. Robinson, Ph.D.

  
Associate Professor, Sociology  
Director of Environmental Studies  
Canisius College  
2001 Main Street  
Buffalo, NY 14208  
716-888-2748  
Email: robinso5@canisius.edu

June 19, 2013  
Impact Statement  
United States v. Tonawanda Coke

369 Avon Road  
Tonawanda, NY 14150

Dear Judge Skretny,

Please consider the health of Tonawanda residents as you sentence Tonawanda Coke and Mark Kamholz. I had an asthma attack when I tried to walk along the Niagara River. Benzene and soot from Tonawanda Coke, combined with other sources of pollution, contribute to high levels of asthma in our area.

My father suffered and died of unexpected lung cancer in 2010. He didn't smoke and his home tested negative for radon. Lung cancer is caused by carcinogens in the environment. Was he exposed at work in the industrial area, or at home in the Town of Tonawanda? We'll never know.

Please sentence Tonawanda Coke to the maximum fine and direct as much as possible to local WNY projects. I trust the following groups and expect to support their project proposals: Clean Air Coalition of WNY, Tonawanda Community Fund, Town of Tonawanda Development Corp., Community Foundation for Greater Buffalo and UB.

I think proposals like these would be a good use of local fines:

- Industrial Pollution Prevention.
- Environmental Health Study.
- Develop the Niagara Riverfront property (Cherry Farm Park) for public access and environmental sustainability.
- Fund other proposals to reuse and develop industrial property for recreation or clean industry.
- Create an endowment to fund future project proposals.
- Fund a health clinic and community education center.

Funds awarded to the US Federal Government should only be used in WNY.

- Get the EPA to enforce current laws such as the "Clean Air Act".
- Force businesses like Ton. Coke to cleanup and contain pollution.
- Fund environmental cleanup at former industry.
- Educate workers about the hazards of toxics in their workplace and how to protect their health and prevent environmental pollution.

Thank you for protecting my family and the environment that is our home town.

Sincerely,

Barbara J. Rohrer





387 Stanley Street  
North Tonawanda, NY 14120  
June 26, 2013

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue  
Buffalo, NY 14202

As I write this letter I fight back tears during my free time. My husband of 23 years and the father of our three children is awaiting a biopsy next week. My husband is an 11 year cancer survivor. He has Non-Hodgkins Lymphoma. He was first diagnosed when our youngest child was 4 months old. He has gone through two rounds of treatment and is awaiting a third round over the next year. There is a link between NHL and benzene, the chemical produced in illegally large quantities at Tonawanda Coke. My husband has spent most of his life in North Tonawanda and large amounts of time growing up at his grandparent's house in the City of Tonawanda. It was devastating at first, however, we have tried to adjust to the new normal of my husband's cancer. It is slow growing so he is examined and scanned periodically and when it returns they watch it and wait until they treat it. Then he goes through treatment. He misses work, we as a family worry about him, he cannot function as he normally would during these times of treatment. I cannot adequately put into words the fear, grief, stress, and aggravation that this causes us.

Now things have changed. The biopsy is for a suspected new cancer, one that is aggressive. It was most likely caused by the treatments to fight his NHL. This creates a whole new normal for my family, a normal that no one should have to live through. Will my husband be able to work and provide for his family? Will we be able to take a vacation this summer or will he be too sick? How will this affect my children? His parents? His siblings? Will my husband be able to be active and play the sports he so loves? Can I buy this or that or should I wait because I may need the money? Should I start cutting back on expenses now? And worst of all, will my husband die leaving his children without a father? How will I make ends meet if he dies? How will I take care of my children? Why is someone else's financial gain going to ultimately cost my family so much?

Non-Hodgkins Lymphoma is not hereditary. However, my husband's sister also has the disease. Their common link is the time that they spent in North Tonawanda and the City of Tonawanda. Yet another parent of three faced with the possibility of her children growing up without a parent.

Cancer isn't the only illness that has affected my family. Two of my three children suffered from birth defects. One had a heart defect and the other was born with a cleft palate.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

DARRIN RUSSELL  
ROXANNA RUSSELL

**Impact the crime and/or the defendants' conduct has had on you/your family:**

**Any thoughts on the type of sentence you feel the defendant should receive?**

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

I don't know if the problem both  
my wife & I have is related to  
THE COKE PLANT OR NOT. BOTH MYSELF (AGED 78)  
& MY WIFE (AGED 77) HAVE BEEN TREATED FOR  
PARKINSON'S DISEASE FOR ABOUT 4 YEARS.  
ACCORDING TO OUR DOCTOR (DR. KILMARE)  
THINKING THAT <sup>WE</sup> ~~WE~~ BOTH HAVE PARKINSON'S IS  
EXTREMELY RARE.



**Please contact us, if you have any questions.**

**Tonawanda Community Fund**

**43 Wardman Rd**

**Kenmore, NY 14217**

**716-873-6191 or**

**716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013**

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

**Thomas Ryan**

**Jeffrey M. Ryan**

**Impact the crime and/or the defendants' conduct has had on you/your family:**

**Both my son (Jeffrey M. Ryan) and myself (Thomas Ryan) have suffered from a lung ailment that our doctor insists is not hereditary. We both have been diagnosed with Sarcoidosis. I got Sarcoidosis in 1990 when I was working at Occidental Chemical. My son was diagnosed in 2007, following surgery for testicular cancer. He was working at American Axle at the time. If it's not hereditary and not job related, how is it we both have this same lung disease? No one knows what caused my son's cancer either. Could environmental factors have played a part in it as well?**

**Any thoughts on the type of sentence you feel the defendant should receive?**



Antonette Sampier  
136 Duff Dr  
Tonawanda, NY 14150-5127

RECEIVED  
WILLIAM M. SKRETTY

AUG 6 2013

United States District Court  
Western District of New York



Honorable William M. Skrety, Chief District Judge  
United States District Court  
Western District of New York  
2 Squares Avenue  
Buffalo, NY 14202-33

14202335099



BUFFALO, NY 142  
05 AUG 2013 PM 5 L



Honorable William M. Skretny, Chief District Judge  
United States District Court  
Western District of New York  
2 Niagara Square  
Buffalo, New York 14202-33

RECEIVED  
2013 AUG - 7 PM 3:13  
U.S. PROBATION  
BUFFALO OFFICE

Dear Judge Skretny.

My daughter has breast cancer. She was a young widow when her son, Conner was born. She lives in the City of Tonawanda and recently diagnosed with ovarian cysts. There is a questionable uterine problem. She has ongoing medical tests. I do not have a history nor does my immediate family have cancer. She is a concern of mine.

I live at 136 Duffy Dr. in the City of Tonawanda. My backyard slopes down into a creek bed. The creek bed is parallel to Two Mile Creek Road and meets at the foot of Niagara Street; a short distance from the Tonawanda Coke Corporation.

For years my daughter, Susan Walker, Conner and I sat in my backyard admiring the beauty and variety of birds. There have been many birds found dead. On a weekly basis for a number of years. This has been a concern of mine. The Tonawanda Coke Corporation has been cited for numerous air quality violations.

My family and the members of this community deserve to live in a healthy neighborhood where the air is free from harsh chemicals. Judge Skretny, I am asking you to address all the illegal damages that the Tonawanda Coke Corporation has long ignored.

Very truly yours,

  
Antonette Sampieri

327 West Girard Blvd  
Kenmore, NY 14217  
July, 26<sup>th</sup> 2013

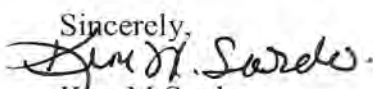
To: United States Attorneys Office  
Attn: Sharon Knope  
138 Delaware, Ave  
Buffalo, NY 14202

My name is Kim M Sardo. I am a resident and homeowner at 327 West Girard Blvd, Kenmore, NY 14217 (Tonawanda) since 2001. I am writing to your office on behalf of my husband Larry L Sardo as a victim impact statement in regards to the Tonawanda Coke Plant.

Larry was diagnosed in November of 2012 with Mantle Cell Lymphoma, which is a very aggressive and rare form of blood cancer. He has had tumors located on his spinal cord due to this cancer. He is now a lifetime cancer patient. He had begun chemotherapy treatments in December 2012 at Roswell Park Cancer Institute. Larry had to undergo intensive and aggressive treatments in and out of the hospital to date. He was admitted into the hospital for an Autologous Stem Cell Transplant, also known as a Bone Marrow Transplant and spent 26 days in the hospital recovering from such an intensive procedure.

My husband was such a proud owner of his self employed business, Larry's Plumbing. He has worked as a master plumber for years all over Tonawanda, in and out of the soils and waters. Due to his illness he was forced to close down his business not being able to work anymore. At 52 years of age, he is now on Social Security and disability, something that we never thought we'd have to be on. This illness, not only has affected him physically, but has affected him and our whole family mentally and financially with the uncertainty of not knowing what the future holds.

In 2006, our family dog had a biopsy done on a growth on his side. His tumor came back as a spindle cell cancer. Throughout the years, he has had multiple lumps all over his body. In June 2013, at the age of 11 years old, our family dog passed away. Also many of our neighbors in our surrounding area have or had some sort of other cancers. I believe that this area is ridden with cancer. I would like to suggest a ruling for the Tonawanda Coke Plant and environmental manager, would be life in prison after destroying others lives for being found criminally responsible for violating the Clean Air Act, Resource Recovery and Conservation Act. Please, if anyway possible you can contact me in regards to this statement, it would be greatly appreciated. Cell: 716-██████0634/ Home: 716-██████1980

Sincerely,  
  
Kim M Sardo

## IMPACT LETTER

It was in 1992 that I was diagnosed with Breast Cancer. I was 42 years old and it was very shocking because there was no history of cancer in my family nor did I meet any of the criteria for this horrible disease. My family was devastated. I had 6 months of chemo and 30 treatments of radiation. I immediately started thinking about exposure to hazardous chemicals being that for many years we would smell foul odor day and night. One of my neighbors who worked as an air specialist moved out of the neighborhood-strange we thought as he loved it here. Then, I learned that my neighbor across the street was diagnosed with breast cancer and a women two doors down from me and then two more around the corner all with breast cancer. My oncologist said it sounds like "cluster cancer". I have watched and seen so many stricken with cancer in the close surrounding area over the years some of which did not make it-so very sad. I was also diagnosed with Lupus over the years and have been on medication. Several of my children's friends who are in there thirties and forties have thyroid issues and auto-immune diseases. After all these years we find out that we were in the path of the release of hazardous chemicals in the air. This only confirms my thoughts and no-one will ever convince me otherwise.

How could this "Happen"?

Janet Scheffler

Grand Island, New York





THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Economic Development,  
Job Creation, Commerce and Industry

COMMITTEES  
Codes  
Health  
Ways & Means

ROBIN SCHIMMINGER  
140<sup>th</sup> District

July 2, 2013

Honorable William Skretny  
U.S. District Court  
2 Niagara Square  
Buffalo, NY 14202

Dear Judge Skretny:

Please accept this correspondence to serve as a Victim Impact Statement in regards to the sentencing of Tonawanda Coke Corporation. Tonawanda Coke is situated in my Assembly District and its operations have had an effect on the residents and municipalities that I serve.

In March, a jury found Tonawanda Coke Corporation guilty of 14 counts of violating the Federal Clean Air Act and the Resource Conservation and Recovery Act from 1998 to 2009. In the weeks ahead you will make a determination as to the fines to be imposed. It is my understanding that you also have the power to dedicate some or all of these fines to purposes connected with the impacted communities.

Tonawanda Coke's actions have left environmental problems that need to be addressed. That is a task that can certainly be accomplished as federal and state agencies continue their efforts to bring Tonawanda Coke into compliance. In addition, funding environmental projects with monies derived from fines would serve to make amends for the company's transgressions.

Toward that end, I respectfully request that any fines collected be targeted for environmental and public health benefit projects in the affected areas – the Town and City of Tonawanda, Village of Kenmore, Grand Island and the Riverside section of Buffalo. The benefits will be twofold. In addition to having a positive impact on the area, residents will be able to breathe easier knowing that the environment is cleaner and will continue to improve for generations to come.

Thanking you in advance for your consideration in this matter, I remain

Sincerely yours,

Robin Schimminger

RS:tw

cc: William Hochul, U.S. Attorney





Mr. Bruce M. Schreiber  
15 Colonial Dr  
Tonawanda, NY 14150-5208

★ PROUD SUPPORTER OF THE USO ★

Dear Judge William M. Shretzky,

June 4, 2013

(716) 692-7577.

Hello to all concerns to our pollution Problem of Tonawanda Coke Ovens, I hope you are doing much better than I in my poor health state, I apologise for my poor writing, for I'm not a E-mail, Internet kind of person. My health is taking a great toll on me, especially in my older years, from the smells, dirt, pollutions in our Tonawanda area's for years. I have grown up here, and lived, at, least so far, ... and have had, businesses, and homes in our great area along the grand Niagara River for years, In our grand development area, all factories, do not help the air quality, we would all enjoy, but many prices have been paid, by the intentional doings, and law breaking of: Tonawanda Coke, Co. Many of my friends, and relatives and neighbors in the City of Tonawanda here have all passed, with tragic environmental health conditions, all at earlier ages, than normal, and should not have been, because of J.D. Crane, and Tonawanda Coke, negligent's, thus my friends and neighbors of fifty years, have suffered and passed, too early, and as I suffer with my conditions today.

I worked around this Grand area for years, and built empires and fix ol'e homes, and always helped all, and the Community's, In the late 80's and 90, I worked a head of the Coke Ovens: on River Rd, and endured and ...



BMS.  
Cont.

6-4-2013

... experienced all of the great devastation, and Pollution conditions in which Tonawanda Coke, Co. has caused.

All of ~~use~~ in our Grand Towns, Citys and green lands have been utilized to our fullest, for work and enjoyment,., as a young lad would, hike, fish and hunt, all the back hills of our grand towns lands. I have witnessed all devastation, to our wild life, plants and ponds and streams, and many of my friends are gone now, actually dying in there early ages. I have many Condition that I have to combat every day, just to exist and carry on.

At this time, I have fibromyalgia, a tight stiff muscle Condition, and arthritic joints, with much pain, and my breathing is short, lately, they call it, COPD., emphysema, skin rashes, and heart, and blood pressure problems along with occasional Optic Migraine, attacks.

I hope you doing much better than me, because the Ole air and Water Conditions have taken a Grand Toll on me.

I hope you all good wishes, and much better health...

Sincerely,

Mr. Bruce M. Schreiber



B.M.S.



Re: Tonawanda - Coke  
"Amonia" + "Ponzenye" (2013)

— Poisoning —

Conditions: + Optic-  
migraine  
Problems: Syndrome

+ Skin: Rashes, sores,  
Itching, sores,

+ Heart: High Blood pressure,  
high pulse,  
— collapsed heart veins — Replaced  
with Leg veins — Cabbage-surgery. (Aug. 31, 2011).

+ Lungs: Co.P.D., shortness  
of Breath, Lightheadedness,  
Insomnia, — Restricted activity.

+ Muscles:

— Fibromyalgia,  
muscle conditions, Pain and  
stiffness,

+ Arthritis Condition, Joint Pain,  
and Non-mobility, and  
Clumsiness...

+ Allergies: all soaps,  
Perfumes, Iodine, co.co,  
New's Paper print,

+ Constipation, — from having to take  
med's. from all conditions...

(B.M.S.)

Script  
Med's

Gabapentin  
300 mg.  
Aspirin 81mg.

FLUCCINONIDE  
Solution 60ml.  
CLINDAMYCIN  
Solution, USP.

Rexall, Aspirin (5/140).  
Metoprolol Tartrate (25mg).  
Lisinopril (10mg).

Spiriva (15mg) caps 30's and  
HandiHaler.  
ProAir D.I.H. — (200 puffs) 85 mg. D.S.  
CTR  
— have Home Air Compressor for  
sleep.

Tramadol 50mg. — Tabs. — (6-a-Day)..  
Hydrocodone/Acetaminophen, 7.5  
(500mg)  
— Gabapentin: (300mg) caps, (3-Day).

Ibuprofen (600mg) Tablets.

Benedryl, Tabs (2).  
— Dristan — sprays.

Doc-A — 2-a-Day.  
Lace  
100mg.

+ Polyeth Glycol — 3-Teaspoons a-Day...  
3350 NF Powder

Sincerely,  
Mr. Bruce M. Schreiber



## **Coke Oven Emission Exposure Information**

**Coke Oven Emissions:** contain literally several thousand compounds, several of which are known carcinogens (chemicals causing cancer). The following information is provided to see how coke oven emissions affect the human body and your organs.

**Coke Oven Emissions are:**

### **CARCINOGENS**

Evidence of coke oven workers has shown an increase in **cancer of the lung, trachea, bronchus, kidney, urinary tract, prostate**, and other sites (Sittig, 1991; U.S. EPA, 1994a). Cancer caused by coke oven emissions can develop many years after exposure. A latency period of as much as thirty years has been observed in many cancers.

### **Gastrointestinal / Liver Toxicants**

Exposure to coke oven emissions can cause adverse effects on the gastrointestinal tract, liver, or gall bladder (gastrointestinal and liver toxicity), which can cause anorexia, nausea, vomiting, abdominal cramps, and diarrhea.

### **Kidney Toxicants**

Exposure to coke oven emissions can cause adverse effects on the kidney, ureter, or bladder (Kidney Toxicity). The kidney is unusually susceptible because of its role in filtering harmful substances from the blood. Toxic injury to the kidney, including cancer, is known to occur as a result of exposures to coke oven emissions.

### **Respiratory Toxicants**

Exposure to coke oven emissions can cause adverse effects on the respiratory system, which consists of the nasal passages, pharynx, trachea, bronchi, and lungs.

### **Skin or Sense Organ Toxicants**

Exposure to coke oven emissions can cause adverse effects on skin or the sense organs.

**In addition to the health hazards associated with Coke Oven Emissions, here are some other chemicals emitted by the coking process that are detrimental to your health:**

### **Benzene**

The Environmental Protection Agency (EPA) has classified benzene as a Group A, known human carcinogen. Increased incidence of **leukemia** (cancer of the tissues that form white blood cells) has been observed in humans occupationally exposed to benzene. Benzene specifically affects bone marrow (the tissues that produce blood cells) and **disorders of the blood. Aplastic anemia, excessive bleeding, and damage to the immune system may develop. Reproductive effects have been reported in women** exposed to high levels of benzene, and **adverse effects on the developing fetus** have been observed in animal tests. Benzene has also been linked to **fibromyalgia**.

### **Ammonia:**

Ammonia is **highly irritating to the eyes, skin and respiratory tract**. Swelling and narrowing of the throat and bronchi, coughing, and an accumulation of fluid in the lungs can occur. Ammonia causes rapid onset of a burning sensation in the eyes, nose, and throat, and can be accompanied by lacrimation, rhinorrhea, and coughing. Upper airway swelling and pulmonary edema may lead to airway obstruction.

### **Heavy Metals** (arsenic and others such as: beryllium, cadmium, chromium, lead, nickel, mercury):

Specifically, inorganic arsenic exposure in humans by the inhalation route has been shown to be strongly associated with **lung cancer**. EPA has classified inorganic arsenic as a group A, known human carcinogen. Chronic (long-term) inhalation exposure to inorganic arsenic in humans is associated with irritation of the skin and mucous membranes. Other heavy metals, as specified above, can cause neurological injury.

**Certain neighborhoods in the Tonawanda, NY area are at greater risk.** To find out how you are affected or if you have any other questions, please call 873-5608.

**From:** branka sciuk [[mailto:brankaps@\[REDACTED\]](mailto:brankaps@[REDACTED])]  
**Sent:** Wednesday, June 26, 2013 4:45 PM  
**To:** Knope, Sharon (USANYW)  
**Cc:** [mcooke@grand-island.ny.us](mailto:mcooke@grand-island.ny.us); [jackiejamescreedon@gmail.com](mailto:jackiejamescreedon@gmail.com)  
**Subject:** TONAWANDA COKE

My family has lived directly across the Niagara River from Tonawanda Coke since 1958.

What have we seen and smelled over the years...Billowing smoke, that at times I know reaches this side of Grand Island, and great flames especially when it get dark, and occational odors. The emissions that my family has seen have been extremely high and very visible.

How has it affected us?

Constant film over windows and house. Windows have to be washed too often.  
Can no longer have picnic table or sitting chairs facing the river. Just too much film .  
Concrete in front patio is discolored.  
Breezeway finish is being removed with film and have called Tonawanda Coke and they have denied all.  
Trees have died. Pansies and other similar flowers cannot survive.  
Tonawanda Coke keep blaming the above on the weather.  
Isn't interesting that from Love to Broadway on East River, no one has a picnic table in front of their home or sits out doors facing the river and enjoying what we all have.

Now I have a brain tumor, need I say more.

Tonawanda Coke has been an accident waiting to happen, they did not due their job to protect the environment.

Contact: Branka P. Sciuk, 1162 East River Rd, Grand Island, NY 716 [REDACTED] 3607



I am writing an "impact statement" as to the effect of the crime/conduct of Tonawanda Coke and it's Owner, JD Crane and employee, Mark Kamholz has had on our family. I don't really think ANY words I use here could possibly have the same "impact" on anyone as the "statement" I received seven years ago when my husband's Doctor called and said the words that changed our lives FOREVER: "Ralph's white blood count is way up, it looks like he has **Leukemia**\*\*...we have to get him into a treatment plan immediately." Then fast forward five years, when that same Doctor called a family meeting with myself and Ralph's two sons and said: "there's nothing more we can do for your husband and Dad and it would be in his best interest to stop all treatment because of the toll it has taken on his entire body. I know he has suffered so much—so I promise all of you: I'll make sure he's 'comfortable' to the end and doesn't suffer anymore". The Doctor continued: "I'll put a call into Hospice so you can take him home." With that I was instructed to plan his funeral...

THOSE are "impact statements"!!!! They have an impact on a wife and her family, and in those instances your marriage and family life flashes before your eyes—yet all the while you also imagine how empty your life will be in the future—without him—and you wonder how you'll ever fill that void.

I don't know JD Crane or Mark Kamholz and they don't know me and so I wonder how they could have had such an impact on my family! But what I DO know is that their actions can only be defined with the words "willful" and "intentional." It wasn't negligence—it wasn't even out of ignorance—it was willful; it was intentional and it was done with wanton disregard for my husband's life and the community he was born and raised in. And so now after JD Crane and Mark Kamholz willfully discharged poisonous benzene into our community for their "bottom line", our "bottom line" is in the red because of all the medical bills and the inability of my husband to work and provide for his family. Our retirement account is depleted—and our home is worthless because we've had to borrow against it and because we live in a **benzene**-ridden area.

I have to say at this point that I don't have much faith in the judicial system. Yes, a fine will be levied against Tonawanda Coke and there will be jail sentences, but I know JD Crane and Mark Kamholz will no doubt be able to, unlike so many of us, protect their family's financial future by declaring bankruptcy. And we, the families who have suffered at the callous hands of these two arrogant, gluttonous men, will receive little more than vindication.

If I, like JD Crane and Mark Kamholz, acted with wanton disregard for other human beings, I would be inclined to close and sell Tonawanda Coke and distribute the proceeds to the families that have been impacted by their illegal and deceitful actions. But I realize that would impact many more innocent people—the employees and their families. And I don't believe that destroying even more lives serves any purpose and would only add unnecessary collateral damage and heartache.

What JD Crane and Mark Kamholz did in the name of profit was not only unlawful—it was MORALLY reprehensible. And no money or jail sentence can ever rectify or undue all the damage they have done, all the suffering they have caused nor turn back the hands of time for my husband—my family and so many others. And so, in memory and honor of all of the victims, I ask you to impose the absolute STRICTEST sentence on these two criminals. With regard to financial restitution: I ask you to guarantee a portion of the monies collected be distributed to the families who are suffering from devastating personal and financial losses because of JD Crane and Mark Kamholz's unconscionable, greedy actions and also to the Clean Air Coalition, without whom NONE of these crimes would have ever been brought to light.

\*\*Long-term exposure to **benzene** can cause cancer of the blood-forming organs. This condition is called **leukemia**. Exposure to **benzene** has been associated with development of **leukemia**. The Department of Health and Human Services has determined that **benzene** is a known **carcinogen** (can cause cancer).



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Richard Skiwinski

**Impact the crime and/or the defendants' conduct has had on you/your family:**

All companies need to follow regulations. How can there be anything worse than people in a community getting sick from pollution. Any illness is challenging AND the impact can last forever.

**Any thoughts on the type of sentence you feel the defendant should receive?**

The sentence should make others take notice AND improve our area. Health is the most important thing in your life!

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Judge, please take this seriously. It is important to all communities. Me AND my brother were diagnosed with cancer four months apart. I lived AND he died. Your health is everything!

**Knope, Sharon (USANYW)**

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**From:** Wayne Smith <waynesmith9@[REDACTED]>  
**Sent:** Friday, May 24, 2013 11:49 PM  
**To:** Knope, Sharon (USANYW)  
**Subject:** Tonawanda Coke

Dear Sharon:

I lived in the Town of Tonawanda at Sheridan Parkside from 1997 to 2000, then from 2000 to 2011 I lived in the City of Tonawanda about a mile from Tonawanda Coke. In May of 2011 I had blood work done at Western New York Urology, and everything was fine. In August of 2011 I had blood work done again at Western New York Urology but this one came back with a high PSA count. Dr. Gilbert (my urologist) did a biopsy of my prostate. In September of 2011 Dr. Gilbert informed me that I had a very very rare cancer of my bladder that had already spread to my prostate. Dr. Gilbert informed me that 13 of the 14 samples of my prostate came back cancerous. Dr. Gilbert sent my samples to Johns Hopkins for a second opinion and they verified the pathology report from Western New York Urology. Dr. Gilbert told me I was already at stage 4 and that my bladder and prostate needed to be removed. I was referred to Dr. Guru at Roswell Park by Dr. Gilbert. In October of 2011 I started 3 months of chemo therapy at Roswell and in February of 2012 Dr. Guru removed my bladder and prostate and I now have an ostomy bag for the rest of my life. If you need to get ahold of me my name is Wayne Smith, 82 Gates St. Apt 4, Sloan, NY 14212. 716 [REDACTED] 0863, [smithw1952@\[REDACTED\]](mailto:smithw1952@[REDACTED]) All this forced me to retire as a Paralegal with Erie County in October 2012. Thank you very much.

Wayne Smith

Sent from my iPad



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Logan, George II, and Anne Adams-Smutzer  
Smutzer

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Logan + George have lived with asthma conditions where they had difficulty going to school + playing outdoors.

Anne Adams-Smutzer - I had a burning in my throat + lungs which lasted for 6 weeks, lost my voice for 6 months and have permanent scar tissue on my voice box + tumor in my lung + large tumor removed from my back as well as asthma.

**Any thoughts on the type of sentence you feel the defendant should receive?**

My life has been forever changed by his actions. My son George has suffered for 16 years and Logan for 13 years, and myself for 16 years. I am in dept due to all the medical costs and my boys might not be able to go to college now.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

My family suffers every day and have been investigated by child protection (3x) because they cant believe how sick my sons are from the actions of the defendant, and how come they are home so sick from school. I have been made to look like a neglectful, abusive parent.

June 24, 2013

To Whom it may concern:

I would like to tell you how Tonawanda Coke has adversely effected my immediate and entire family. On February 16, 2013 my son Jacob was diagnosed with Blastic plasmacytoid dentritic cell neoplasm a rare form of Leukemia. There are only 20 known cases in the entire United States and we are one of the lucky families to have a child diagnosed with it. What this means for us in endless hospital stays and clinic visits to both Children's Hospital and Roswell Park Cancer Institute. The only positive thing for us is that the hospitals are close to where we live and I haven't had to uproot my family for treatment as of yet.

Jacob and myself have spent over 40 days and nights in the hospital. I cannot leave his side as he is only thirteen years old. He has had every allergic reaction that you can have from chemotherapy and the antibiotics that are used to treat his infections and fevers. He has a very low immune system and has been isolated from friends and family because of this. He has not returned to school and has had to be tutored on days that he is not in the hospital or when he feels up to it. I have had to stop working to care for Jacob. It is a full time job to keep all the insurance bills, doctors appointments, and medications organized. Also he had 2 grand mal seizures last week from complications from the chemotherapy. He is now on anti seizure medications and is tired all the time and moody from the side effects from this new drug.

When I received literature from the Leukemia society the top cause and risk factor for getting Leukemia is Chronic exposure to benzene. We live in one of the areas that is exposed to the toxic chemicals from the Coke Plant. Five days before my son was diagnosed we saw an article in the paper and also a report on the news that people living on Grand Island were at risk for the benzene exposure from the Coke plant. Sometimes I have nightmares just wondering if my other child could get it or other family members who live in our area. I often think that it is a dream and then wake up to find out that it isn't. We are unable to plan anything because of his sickness because we never know when he will have to be admitted to the hospital. This is effecting our entire family and relatives. We have had to rely on family members and friends to help us with rides, meals and taking care of my 15 year old who is also suffering because her brother is sick and she can't understand it.

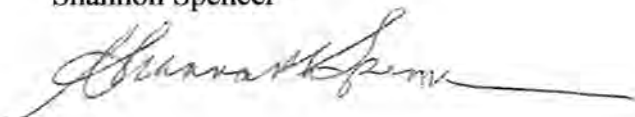
I can't imagine why this plant has not been closed down sooner when studies show that it has been emitting toxic chemicals into the air for over 30 years. God help the person that allows this to happen. I pray for their soul because God will judge them when the time comes.

Sorry this is not brief but I could write a book about what we have gone through in the last 4 months and his treatments will last for over 3 years. Including chemotherapy, endless biopsy's and spinal taps etc.

Thanks for listening and lets finally do something to stop this pollution so that other families do not have to live through this. My son Jacob last week while in Children's hospital for the seizures said that "This is a living Hell Mom". I cried with him and said, I know.

Sincerely,

Shannon Spencer



716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

JACLYN STREICHER  
DAVID YENSON (SON)

Impact the crime and/or the defendants' conduct has had on you/your family:

COPD w/ EMPHYSEMA  
ANXIETY  
HYPOXIA  
ALLERGIES (SEVERE, SON)  
CAR PAINT PEELING

Any thoughts on the type of sentence you feel the defendant should receive?

COMPENSATION FINES TO BE GIVEN TO ALL PERSONS  
FOR HEALTH AND PROPERTY DAMAGE. PLEASE SHUT  
IT DOWN FOREVER, AND TRIPLE HIS PROPERTY TAX.

Include anything else you feel is important for the judge to know before imposing a  
Sentence:

THIS IS BEYOND A CRIMINAL OFFENSE, THIS DESTRUCTION  
OF PEOPLE'S LIVES IS INEXCUSABLE.

6-13-13

SHARON KNOPE:

I HAVE LIVED IN THE TOWN OF TONAWANDA  
FOR 37 YRS. IN THIS TIME I HAVE HAD CONTINUAL  
SINUS PROBLEMS. I'VE HAD ALLERGY TESTING ETC.  
MANY DOCTOR VISITS. THE COKE PLANT ISN'T  
FOR FROM MY HOME - ANY HELP YOU CAN  
GIVE WOULD BE GREATLY APPRECIATED. THANK  
YOU FOR YOUR TIME. PLEASE CONTACT ME

SANDRA SULLIVAN  
143 WESTCHESTER BLVD  
KENNESAW, NY 14217  
CELL # 714 [REDACTED] - 91915  
HOME 714 [REDACTED] - 6981



Judge Skretny,

6-25-13

My father lived all his life in zip code 14207. In 1994 he was diagnosed with a carcinoid in his left lung. It was a slow growing tumor that the doctors said may have been growing for 10-12 years.

~~After~~ <sup>Six</sup> months later, in November, the tumor metastasized to his liver. The doctors thought it went from his lung to his GI tract (but was undetected by MRI) & then to his liver. He died of liver CA on 11-12-94, his 83rd birthday.

I have lived all my life in zip codes 14207, 14217 and now for 2 years in 14120. In 2009 a CAT scan detected a nodule in my left lung. The doctor said it should be tracked. I am 70 years old. Will the same thing happen to me as happened to my father? Time will tell!

Tonawanda Lake & its CECs should be stripped of all their assets & the money used to create greenspace, recreational & picnic facilities along the riverfront. All those funds should be used to enhance the quality of life of the residents in the affected area. Thank you.

Barbara Szymalowski  
169 Jackson Avenue  
N. Tonawanda 14120



716-873-6191 or

716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

JOHN J. SZYMANSKI SR. AND ESTELLE E. SZYMANSKI  
115 DELTON STREET, TONAWANDA NY 14150  
RESIDENTS SINCE AUGUST, 1986

Impact the crime and/or the defendants' conduct has had on you/your family:

JOHN IS BEING TREATED FOR HYPERTENSION, & HAS BLOOD  
TESTING SCHEDULED FOR 7/15/13. CONCERNS INCLUDE LIVER,  
KIDNEY, AND GASTRO-INTESTINAL ISSUES.

ESTELLE IS HOSPITALIZED, RECOVERING FROM SURGERY FOR CANCER  
RECENTLY DISCOVERED. SHE ALSO SUFFERS FROM HYPERTENSION,  
ATRIAL FIBULATION, AND BREATHING DISORDERS.

Any thoughts on the type of sentence you feel the defendant should receive?

THE ACTIONS OF THE DEFENDENTS WERE WILLFUL, AND DEMONSTRATED  
CALLOUS DISREGARD FOR THE WELLBEING OF AREA RESIDENTS. WE  
ASK THAT PENALTIES IMPOSED BE THE MAXIMUM ALLOWED BY LAW.  
THAT IS WHAT IS DESERVED, AND HOPEFULLY WILL ALSO SERVE TO  
DETER LIKE BEHAVIOR BY OTHERS.

Include anything else you feel is important for the judge to know before imposing a  
Sentence:

DARK, HEAVY SMOOT ACCUMULATES ON WINDOWS, GUTTERS, EVEN  
AUTOMOBILES LEFT OUT OF THE GARAGE. THIS IS A DIRECT  
RESULT OF CONTAMINATED EMISSIONS FROM TONAWANDA COKE.  
CLEANING IS REQUIRED AT LEAST TWICE PER YEAR.

WE HAVE ALWAYS ENJOYED GARDENING, & HAVE GROWN VEGETABLES  
FOR OUR OWN CONSUMPTION FOR MANY YEARS. RECENT  
ARTICLES SHOW THAT SOIL TESTING HAS SHOWN EVIDENCE  
OF CONTAMINANTS LINKED TO EMISSIONS FROM THE PLANT.  
THESE CERTAINLY HAVE CONTRIBUTED TO OUR HEALTH ISSUES.

Susan M. Tempest  
296 Main Street T2  
Tonawanda, N. Y. 14150  
716-1010  
sue.tempest@a

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue  
Buffalo, N. Y. 14202  
716-843-5828

Dear Ms. Sharon Knope:

I am writing this letter for myself and my Daughter, Alisha M. Lavin, who have lived in Tonawanda all our life's. I am hereby stating that we do believe that the Tonawanda Coke Corporation has affected our health in several ways. The initial burning in our eyes, throats, nose and ears along with the continued smelling of burning tar and ammonia has not only threaten our health but has also put get discomfort in going out in our own backyard.

I, Susan M. Tempest, also do hereby state that I have been diagnosed with Anxiety, High Blood pressure and certain allergies that my have been from this horrible smell that I have been breathing in for the past ten years. My daughter, Alisha M Lavin, also has a serious problems with continued bronchitis and nose bleeds.

I, Susan M. Tempest, also state that my Mother, Mary L. Montante has died from Lung Cancer in August of 1995 and believe that her illness my have also been caused from this aroma that the Tonawanda Coke Corporation has leaked in the air for as long as I can remember, at least noted for 10 years.

I, Susan M. Tempest, also like to note that my Daughter, Alisha M. Lavin and myself have suffered from continued headaches, to the point off a all day headache and off and on as long as we both can recall.

I, Susan M. Tempest, also like to note my father, Louis Montante, also suffered from a headache every day of his life and was a long time resident of Tonawanda and has passed in 2011 of COPD.

Thank you, in advance, for your time in looking into this horrible act of violation in the Clean Air Act on our behalf's.

Susan M. Tempest  
Alisha M. Lavin

*Susan M. Tempest*  
*Alisha M. Lavin*

June 13, 2013

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Ave  
Buffalo, NY 14202

Dear Honorable Skretny:

We write to you today because we feel compelled to speak for our daughter Kayla who is too young to articulate this on her own. On May 18, 2012 Kayla was diagnosed with Leukemia. There are no words to describe the emotions experienced when a doctor tells you your healthy 8 year old, who likes to play with her American Girl dolls and do gymnastics flips, has cancer. Nevertheless, what we've gone through as parents is nothing compared to the anguish our little girl has gone through over the last 13 months and will continue to go through as she continues treatment.

Kayla's diagnoses put her in a high-risk category which requires intense treatment as doctors fight to keep her alive. Over the last year we've visited Roswell Park Cancer Institute nearly every week. Sometimes chemotherapy treatment would require her to be in the infusion clinic 5 days a week, up to 12 hours a day. Often times we spent days at a time with Kayla receiving chemo treatment as an inpatient unable to leave the hospital, go to school, or play with her friends. Other times, on the days we could leave, we'd have to push her out of the hospital in a wheelchair, her body ravaged by multiple doses of powerful chemotherapy. Attached you will find a photo of Kayla's "Beads of Courage" each bead represents a blood draw, chemo dose, overnight hospital visit or other milestone along her journey. You will notice the strings are thread with hundreds of beads and I'm sure we are missing many but it gives you a glimpse into what she's gone through.

And if all of this wasn't difficult enough, we had many frightening life-threatening bumps along the way. She suffered a severe seizure and is now on daily anti-seizure medication. At another point she had a serious allergic reaction to medication which began to close off her airway. This allergic reaction caused a shift in treatment that required Kayla to receive an alternate form of chemo through approximately 60 painful shots in the legs over several months rather than less invasive IV chemo.

Along the way she lost all her hair and the slightest fever or cold would put her immune-depressed body back in the hospital for days. She missed out on school, birthday parties, sleep-overs, sports, riding her bike, swimming and all the wonderful things a young girl should be able to do.

Thankfully, after all of this, she is currently in remission. Still she takes chemo pills daily and will continue to go for monthly chemotherapy for at least another year which includes, among other chemo, dangerous injections into her spine to protect her brain from the potential spread of cancer.



The Benzene that Tonawanda Coke knowingly released into the air in the neighborhood where we live and my children play is a know cancer causing agent, directly linked to Leukemia. We pray that Kayla stays in remission, but we will forever fear the real threat of relapse.

This only begins to tell our story. It is so very difficult to quantify the devastating impact this company's selfish acts has had on our little girl and family as a whole. I will attempt to do so, in part, through the documents attached.

Our ultimate request would be to have a healthy, happy child again. Knowing that is not possible, I thank you for your consideration and urge you to see fit to hold Tonawanda Coke fully accountable for the pain they've caused our little girl and so many others in this community we love.

Sincerely,

Jeff & Terri Tiedemann  
181 Calvert Blvd.  
Tonawanda, NY 14150  
716-695-2622



**Impact Statement**  
**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Nicholas Torre

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Severe headaches, not feeling well, asthma all through his early school years. Feeling ill at school very often, in nurse's office & had to be picked up to come home, missing school.

**Any thoughts on the type of sentence you feel the defendant should receive?**

we feel the judge will decide the correct sentence.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

many people were sick like our son but many people have and/or had life-threatening "sickness" and "illness" due to this.

**Knope, Sharon (USANYW)**

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**From:** Trettel, Roger <Roger.Trettel@ [REDACTED]>  
**Sent:** Monday, June 17, 2013 5:12 PM  
**To:** Knope, Sharon (USANYW)  
**Subject:** Tonawanda Coke Corporation - Personal Impact Statement

**Importance:** High

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue, Buffalo, NY 14202.  
(716) 843-5828

Dear Ms. Knope and Judge Skretny,

My wife, 7 year old son, and I are residents of 1545 Bronson Road, Grand Island, NY. We live directly across the Niagara River from the Tonawanda Coke plant in the designated impact zone, and frequently have to endure the caustic and foul odor of the pollutants emitted from the plant. We are educated professionals and are aware of the health effects that are related to benzene and other toxic pollutants that Tonawanda Coke has been found of guilty of emitting. Although we do not yet have overt health effects (aside from occasional raw throat), we are extremely concerned about the potential for developing health effects later (especially on our young son), and the on-going exposure that we must endure when the winds are blowing in our direction. Several days a week we are unable to spend time outdoors or have any windows or doors open in the house. From our vantage point across the river, we often observe the plant emitting large billowing clouds of smoke whenever there are heavy rains, fog or extremely strong winds; this appears to be an attempt to maximize emissions when it would be difficult for the regulators to observe them.

Our strong position is that Tonawanda Coke has been found guilty of knowingly violating the Clean Air Act multiple times, and should be required to pay the maximum penalties allowable by law. Additionally, we believe they should be forced to cease and desist operations immediately, and initiate clean-up and closure of their plant site. Tonawanda Coke has severely adversely affected the health and quality of life of many thousands of people for many years, and continues to do so. That is not their right.

If they are allowed to continue operations following their sentencing and remain in business, we will likely be forced to move from our home, as we do not feel the health hazards and reduction in our quality of life are worth continuing to live downwind of this facility. This would be an extreme hardship to our family and way of life, and not fair to any residents of the area.

Please impose the maximum penalty to Tonawanda Coke, and if possible, force them to cease operations immediately.

Sincerely,



John Roger Trettel  
Sandra J. Lare

1545 Bronson Road  
Grand Island, NY 14203

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

  Winkler Dr.  
Grand Island

**Impact the crime and/or the defendants' conduct has had on you/your family:**

many health issues - including  
lupus stroke asthma  
bladder cancer migraines  
lymphoma miscarriages

**Any thoughts on the type of sentence you feel the defendant should receive?**

Nothing can restore one's good  
health

**Include anything else you feel is important for the judge to know before imposing a  
Sentence:**

## The Stories Project: Community Perceptions of Air Quality in Tonawanda, NY

### Clean Air Coalition of Western New York

#### Introduction

Stories provide the intimate details of life that individuals are willing to share, which may often go unnoticed. They shape feelings, emotions, and perceptions about given topics, as well as provide context to any given reality. Stories give voice to thoughts and feelings that may have been overshadowed, in addition to those heard loud and often. In Tonawanda, New York, we have engaged in a qualitative research endeavor meant to collect stories from those willing to share their experiences with living among and beside air pollution and industrial polluters. We decided to create an oral community history of living with pollution in an effort to compliment the quantitative data that supports air quality problems in the Tonawanda area. State and local officials have recognized these issues and have embarked studies that analyze data collected through community driven air testing, as well as permanent air monitoring facilities throughout the Tonawanda region. However, despite being armed with this data that shows air quality problems, including significant releases of benzene and formaldehyde, residents are frustrated with the continual denial of a public health threat to the area. This research intends to provide support for the problem in a different way. It serves to compliment the air quality numbers, so often documented through statistics, by showing how air quality impacts residents' everyday lives.

Although the following report will discuss in-depth many important concerns and perceptions about air quality, there are a number of issues that it does not claim to solve. For instance, the following report does not serve as a substitute for statistical data on chemical toxic releases from nearby factories. It does not claim to be a database for health related concerns and symptoms of chemical exposure.



Finally, it does not claim to produce definitive exposure-dose-response data or link these releases to a specific industry.

The context of this project included a number of willing participants engaged with researchers and community members to whom they told their stories. Beginning in July 2010, researchers from the University at Buffalo and Canisius College sat down with community members trained in social science interviewing to begin documenting stories of Tonawanda residents. Interviewers conducted face to face, semi-structured, in-depth interviews with individuals who volunteered to be involved with this study. All current members of the Clean Air Coalition of Western New York were sent letters informing them of this study. Those who were interested were asked to call to schedule an interview. In addition, staff members made follow up calls and canvassed neighborhoods to recruit additional participants. In qualitative research, this type of sampling technique, snowball sampling, is often used and very effective. Therefore researchers did not engage in a random sample of residents, but began by soliciting current organization members. Many residents who were interviewed provided contact information for those who they felt might be interested and those individuals were contacted as well. Interviewers met with twenty- two participants over the course of three months. While most interviews lasted about thirty minutes, some lasted upwards of ninety minutes. Three interviews took place with more than one (two) respondents. Twenty of the twenty-two respondents agreed to have their responses digitally recorded. Interviews were transcribed electronically and analyzed using thematic coding with the assistance of QSR NVivo software for qualitative data. Three interview transcripts were incomplete due to noise and recording issues, therefore they were not included in the coded analysis. Transcription efforts for these continue.



Following the transcription efforts, completed with the assistance of students at the University at Buffalo and Canisius College, researchers began reading transcripts to develop thematic categories useful for analysis. The following primary themes emerged:

THEME	DESCRIPTION
HOME AND COMMUNITY	Expressions of sentiments towards a sense of place. Home and community represent where people live, work, and play and how they feel about these spaces.
LOYALTY TO PLACE	Expressions of loyalty and feelings of pride or lack of pride in community, specifically the Tonawanda and regional Western New York area.
INDUSTRIAL HERITAGE	Expressions of industrial past in Tonawanda and Western New York and how that connects to present and future economic and environmental issues.
WIND AND WEATHER	Expressions of weather patterns and connections to duration, strength, and frequency of odors and pollution issues.
MIS (TRUST) IN GOVERNMENT	Expressions of sentiment towards local, state, and federal government as responsible for some governance of pollution issues.
ILLNESS AS MOTIVATOR	Expressions of personal illness as a motivation for action and commitment towards social change for both Tonawanda and the broader pollution problem.
HEALTH CARE AND DISEASE	Expressions of what health issues and disease patterns exist among community members.
SYMPTOMS	Expressions of symptoms that exist and may become aggravated with noticeable changes in increased pollution.
POLLUTERS AS CAUSE	Expressions of industry as polluters and as the cause of environmental and social problems in the community.
UNCERTAINTY	Expressions of uncertainty and concern over not knowing the extent of risk, health effects, property concerns, or future liabilities due to pollution.
ACTION AND INVOLVEMENT	Expressions of agency on behalf of residents who are and want to be involved with both the CAC and broader movement for environmentalism.

Interviews were coded by category once they were thoroughly read and reviewed. Thematic categories offer a departure point for each interview to be analyzed as a contributor to a broader concept. These concepts will then provide the analysis for further investigation into the air quality issues in Tonawanda.

In the following section, each theme is explored with relevant quotations and analyzed based on its connection to the overall importance of the narrative aspect in social movements and political empowerment.

#### Narrative Theme

##### Home and Community

###### *It's like this dark side of the neighborhood*

The theme of 'Home and Community' is based on expressions of place interviewees gave special recognition to, as in where they live, work, and play. Thematic analysis from this perspective drew from comments that interviewees made about their local community and also their specific neighborhood. Additionally, interviewees often expressed disappointment in their community, but love for their home or vice versa. For example, at times, interviewees may have expressed dissatisfaction with their particular home but felt that the community in itself was worth fighting for.

For example the following quotations express the different associations with home and community, "*It feels like a special place*" (Resident Interview 13); "*It feels very safe and I like where we live*" (Resident Interview 15); "*It looks nice and well kept, that doesn't mean that the air is healthy*" (Resident Interview 15); and expressions of frustrations such as, "*It's like this dark side of the neighborhood*" (Resident Interview 13).

Residents are conflicted with their thoughts and feelings about the neighborhood, to the point where they feel judged about these very sentiments, as illustrated in this interview: "*It's embarrassing, it's the whole victim's things, it's the blame. How are you gonna be so stupid to own a place that smells like this*" (Resident Interview 13). Associating feelings of distrust and discomfort with one's home is especially disturbing since the concept of home is associated with ultimate comfort and respite. For these residents, knowing that their home is the very place that puts them at danger is indicative of frustration,



anxiety, and psychological and physical stress in their everyday reality. The reality of juxtaposing home and industry results in an overwhelming sense of uncertainty.

#### *LOYALTY TO PLACE*

*Of course my heart is here. My family and friends are here. I'm here...*

Many residents expressed a particular loyalty to their community in ways that were positive, despite the fear of industrial pollution. In this way, the surprising love for their community overwhelms the potential danger sometimes expressed over the fear of exposure to industrial pollution. Sentiments reflected in the following responses indicate some of the aspects that residents are concerned about having to give up if they indeed leave the area: *"Schools are good. Parks are good. Shopping's good. All the conveniences"* (Resident Interview 17); *"Of course my heart is here. My family and friends are here. I'm here"* (Resident Interview 18); *"people come together very quickly"* (Resident Interview 22); *"We'll look out for each other"* (Resident Interview 23); *"People make their home and their community themselves. You make it what you want it"* (Resident Interview 23); *"How I feel about Tonawanda? I love Tonawanda!"* (Resident Interview 6); *"My heart is here"* (Resident Interview 6); *"I feel this is one of the nicest neighborhoods in the city. It's one of the oldest, but I also feel it's one of the nicest and it's a wonderful neighborhood to raise kids with a park right across the street. And I just love it, I just absolutely love it. We have a nice yard and the neighbors are great and it's just a good sense of community and a good sense of belonging"* (Resident Interview 6).

The shared sentiment of uncertainty pervades any sense of absolute knowledge about whether one should remain or leave the community. As noted in this quote *"So, could we pick up and leave? Sure, but it just wouldn't feel right. And again, without knowing for sure, it feels a little silly too."* (Resident Interview 16) The sense is that yes, residents would be willing to leave, but without a sense of what risk exists by staying, residents are willing to wait and see if an official word can give an indication of



whether it is better to stay or leave. Similar sentiment is expressed in the following ways: *"I would've sold a long time ago had I known what was going on. You know with all this pollution and everything I wouldn't have stayed here for sure* (Resident Interview 19); *"It is home because we have been here for 16 years and this is where we built our family. But it is not what it used to be* (Resident Interview 18). Both respondents share an indication that if given a full disclosure of the potential pollution problems, they may have a different sentiment about the neighborhood at the current time. They note a sense of longing for a time in which there were no questions about safety and they could trust their instincts about where they should raise a family and plant roots in a community.

The feeling of loyalty is evident in the following responses in similar ways, yet in these responses an indication of defining what is not liked about their community is clearly evident: *"I've been very happy living here but I'm not very happy about the industrial pollutants"*(Resident Interview 18); *"I feel safe in some ways because I know this is a safe area and then I don't feel safe because of the pollution"* (Resident Interview 18); *"It's a nice neighborhood we do have our moments I just don't like moving back in the shadow of a chemical plant* (Resident Interview 21); *"I just don't ever wanna leave, but I am not saying I won't"* (Resident Interview 6); *"I like my home and I like the area, I just don't like the air"* (Resident Interview 7). Residents are placed in a position of choosing between staying in a community where they have invested time, money, and family or their health. Frankly, being forced to make a decision like this without clear evidence concerning health problems is unfair.

Some expressed their decisions about whether to stay in the area, exhibiting a form of agency: doing something about their frustration: *"We planted some trees because people die and dedicate some for them and all that. I went through a lot of hurt for my friends"* (Resident Interview 9); *"I'm gonna move out. If it gets worse I'm gonna definitely move out because I got nothing here that holds me here. You know my kids umm, my son lives in Grand Island, my daughter lives, [sic] in the city of North Tonawanda...So for me, if anything turns negative I'm outta here"*(Resident Interview 9); *"Take this house and put it in a better spot, you talk about 180 thousand. It's not the house, it's the land around. I'm talking about location, location, location. Definitely people know about this smell here"* (Resident

Interview 10). It is evident that seemingly simple actions have profound meaning for residents. With little hope of being able to permanently relocate, residents take pride in beautifying their immediate neighborhood or relocating to a different community. While still in Western New York, moving to a community just a little further away from Tonawanda's industrial corridor can provide the peace of mind for residents feeling like they are no longer at risk.

### INDUSTRIAL HERITAGE

*You don't think of yourself has having grown up in a big toxic dumpsite with everything, water, land, air, everything. And this whole area has been nothing but.*

The Western New York community has been the home to industrialization like many of its contemporary 'rust belt' neighbors. With the wealth of natural resources surrounding the Western New York region, primarily Lake Ontario, Lake Erie, and the Niagara River, industry concentrated its efforts on harnessing assets from these resources and subsequently provided jobs for multitudes of Western New York residents. However, the legacy of the industrial economy dissipated with the economic downturn of the 1970s and 1980s leaving companies with but a shell of the industry once in the area. While less visible, the impacts of industrialization still have a stronghold on the region, not with as many jobs or mammoth facilities as the past, but with the structural remains of contamination and industrial waste that have remained even after the companies have left. With this comes an enormous feeling of pride that individuals have connected with our industrial past. Because industry is responsible for providing strong initially strong economic foundations, workers have loyalty to what industry once provided for the people of this region. Often this trust and loyalty is generational, as in one's father, grandfather and uncles worked here, so even though they think there may be some problems with industry or industry itself if are causing some health problems, they may still need to support the industry overall. This is evident in the

selection of quotations from our narratives.

Sentiment is expressed in statements such as, *"this neighborhood used to be houses for the GM which is right down the street (Resident Interview ); I very much believe that our community has, in my lifetime, which is more than a generation now, has experienced just crippling economic loss, loss of tax base, changes just in our demographic makeup and its showing (Resident Interview ); At that time there wasn't a whole lot of awareness, just a tremendous amount of trust, I think, or really not wanting to know(Resident Interview ); Our industrial past is very rich; it's what built Tonawanda (Resident Interview); Whatever your name this, it should be a tribute to our industrial heritage (Resident Interview);* help further recognize the conflict between industry as intertwined to one's family past as much as it is part of the economic past.

Many participants recall childhood memories with some sense of unease at neighborhood and community conditions concerning air pollution. Most talk about this as a norm of growing up in Western New York at the time. Many quoted *"It was the smell of progress..."* meaning that economic times were good when the smoke stacks were at full capacity. The notion that most residents acknowledge pollution during their childhood with some sort of positive regard is striking. The narrative story passed down was that the smells, sights and sounds of industry meant that economic security was present for the community.

Residents reflect on growing up in these neighborhoods in the following ways: *"The smell of rubber burning, I noticed that as a kid" (Resident Interview); "But then again, we lost all our industries. I grew up with industries so I knew what to expect" (Resident Interview); "Maybe there are smells around me that I'm just not noticing because I grew up with it" (Resident Interview); "And it was black. It was all over the place, on your windows, in your car, in the swimming pools. That's where most people saw it because it sets on the water and its floating, and you couldn't clean it, you had to drain your pool"* (Resident Interview).

When shifting focus to what the actions can be taken in regard to legacy contamination, responses become emotionally charged. In the following selections, a sense of outcry is evident, and yet individuals



discuss applying that energy towards making positive changes for future generations. As a number of participants echoed, *"it's terrible that these people that own these industries just walk away from it like that. It's immoral really. I guess my point is that it's not so much being an environmentalist as I think it's you know people deserve to have something"* (Resident Interview); *"I've gotten involved in trying to clean up the mess. And even if I may not live to see the positive results, maybe my grandchildren won't have to worry so much or people that are close to me"* (Resident Interview); *"I am so worried about the children. You know um if they haven't taken care of things since I was a child, and we've been living in this. And now these small children, the smaller the child, the worse ailments they will get"* (Resident Interview); *"The first thing it hits is boys playing baseball. The next thing it hits is the golfers in Sheridan Park. Then the next thing it hits is the girls playing softball. You've got children that are getting this dumped on them"* (Resident Interview); *"It bothered me when I had the girls playing softball over there and then when I found out what it was I just couldn't believe it. This is benzene? And this one here with their carbon disulfide? That's what you're putting into the air? Good Lord. If I knew what I was dumping, all along and I looked across and I saw boys playing baseball, I'd say, 'you know, should we be doing this?'"* (Resident Interview).

Residents recognize the need for reconciliation between industry and quality of life when thinking about solutions for the future: *"I just think we need, people need to have decent lives and they should have the best possible life and we shouldn't sacrifice it for somebody's profit"* (Resident Interview); *"If you are just trying to put food on the table you are not thinking about the dangers"* (Resident Interview); *"Just shut the damn place down, get rid of it"* (Resident Interview); *So what makes all these people think that now everybody knows and he's going to fix that. He's not going to fix anything! He's gonna put a band-aid on it until it blows up next time!"* (Resident Interview); *"When you shut something down people start screaming...the workers scream and even the workers aren't even bugging-then you have their wives screaming and their kids, because they are not getting all the stuff that they were getting when they were working"* (Resident Interview); *"I don't want these people to lose their jobs ok. We have enough unemployment"* (Resident Interview); *"There's got to be a way to you know, just put our heads*

together" (Resident Interview); "It is not tough, it is impossible" (Resident Interview). The juxtaposition of sentiment between keeping jobs in the community while providing a healthy environment for those who live, work, and play here is highlighted repeatedly.

#### WIND AND WEATHER

*I like to bike a lot on the bike path and I smell it. I just have to turn around and go back. Stop, come inside, close everything up, stay inside.*

Weather patterns appear to be related to the potency of the smells that residents report. Wind direction and weather conditions are repeatedly mentioned in regard to duration and frequency of certain smells. Residents have noted these changes and some discuss being able to detect which specific facility the smell is coming from according to which direction the wind is blowing.

Residents also acknowledge that at times, wind and weather don't seem to matter because the smells are overwhelming regardless of the weather. Realizing that they have no control over weather patterns is another common sentiment. As much as the weather may limit activities, for example, rain for a picnic, everyday activities become limited when individuals can not even go outside because the smell is so overwhelmingly to perform basic tasks outside. Residents discuss frustration at the limits placed on their activities by air pollution. Unfortunately, because much of the most oppressive pollution seems to occur during the summer months, residents retreat inside, turn on their air conditioners, and bring the pollution inside to circulate further decreasing air quality indoors as well.

The following quotations provide insight towards these concerns. In this selection, individuals express embarrassment over the smell and even though it is out of their control, they hope that it won't present itself when others maybe visiting, as to not put them in danger as well: "So I think if the smell comes in the morning and it goes away, and I have people coming over in the evening or something I'm like "Oh well I'm so glad it happened in the morning I hope it doesn't happen again today" (Resident

Interview ); *"You don't want anyone here you don't want anyone to experience that. You don't want anyone to know really"* (Resident Interview). Some residents feel that the primary pollution can be directed back to the industrial corridor and Tonawanda Coke in particular. *"We'd come home late from a movie or something and be like, Oh there's that smell again. So my assuming they do it is they do it when they think people won't notice it"* (Resident Interview); *It's been happening quite a bit less this year, since we had all the action against them"* (Resident Interview); *Whatever they're putting out we're the first to know* (Resident Interview); *So whenever there's a draft, not a draft or a breeze, coming from like across the street...whatever that would be I don't know my direction. You don't smell benzene, you don't taste benzene, but we've heard that the concentration levels are crazy. We live near the Niagara River, when the wind blows how far reaching is Tonawanda Coke's pollution? I suspect that it has probably reached my neighborhood* (Resident Interview).

Many recognize the reality that pollution cannot just be attributed to one source, for example one resident shared *"You know Tonawanda Coke isn't the only one...I know these Huntly there's, there's FMC. Can you tell the difference when it's coming from one or the other of these places? Like I said before if it's like Tonawanda Coke its like got a tire burning smell. Yea where some people live the wind direction tells the difference, they can tell whether it's coming from the oil storage versus Tonawanda Coke because of where they live. And they can tell from the wind direction, but the smell is a good way to tell too* (Resident Interview).

[The above text represents a selection of responses from our study, most relevant to Tonawanda Coke and the impact area in question. Thank you for your consideration in reading this excerpt.]



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

**Impact the crime and/or the defendants' conduct has had on you/your family:**

my family was upset and could you blame them. we've moved to an infected area where we all stuck for 10 years due to the program we enlisted in. we thought we were giving our kids a better community and we were wrong.

**Any thoughts on the type of sentence you feel the defendant should receive?**

life would be acceptable due to the many of folks who have lost their lives due to the pollution they put in our air.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

I've moved to this area because it's close to what I call perfect. The neighborhood is clean and the people are socialable. I have lived here since 2003. Since then I have battled with breast cancer. I have come to realize that this illness could have come from TCC. I wish I had the opportunity to move but I am a homeowner and I am under strict guidelines that I can't move until after 10 years or I need to repay any and all grants. I don't want my family to suffer any more than we have so when the opportunity presents itself I will be moving out of this area. It's not perfect after all.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

DANTE LaPost. 38 year old Dr Grand 10 R. Y.

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Being Sick HEART COLD Emergency

**Any thoughts on the type of sentence you feel the defendant should receive?**

I Feel the knowing made people sick/Sick the Death Penalty

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Make you so far away to the Top Find possible And a route People who are sick to this Position

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

**Impact the crime and/or the defendants' conduct has had on you/your family:**

My father was diagnosed with a lung carcinoma in the spring of 1994. This metastasized to his liver. He died from liver cancer in the fall of 1994 (on his Birthday no less!)

I currently have a nodule in my left lung which needs to be checked.

**Any thoughts on the type of sentence you feel the defendant should receive?**

a life sentence! How many people did he kill with no compunction whatsoever. Maybe the wardens could pump some benzine into his cell 24/7.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Corporate America needs to know and understand they cannot worship at the altar of corporate greed. The "greeders" need to have some ethics & morality pounded into their heads by the American judicial system. Tonawanda Coke is not the only offender. It's the only offender that was prosecuted & convicted. There are others out there doing the same thing. Judge Skretny has a beautiful forum in which to make up Corporate America to the fact that those unbridled profits cannot be earned by killing Americans & our God-given environment. Instead of using their mighty profits to protect Americans they are using those very profits to buy off & bribe our elected representatives in Washington & Albany. Let CEOs at Tonawanda Coke & Mark Kamholz don't need all those profits. Their stomachs are no bigger than mine's.



716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

My daughter, Rosanna Russo  
was diagnosed with Esophageal Cancer in 2007.  
she was operated on in Oct. 2007 at Roswell Cancer  
Treatments that were then removed over 80% of her  
stomach & over 50% of her esophagus. The type of cancer  
she had was symptomatic of that who smoked or drank  
alcohol.

Impact the crime and/or the defendants' conduct has had on you/your family:

Alcohol drinker, she never smoked or drank anything with  
alcohol in it. She suffered for over two years doing <sup>two</sup> ~~one~~ for  
I not being able to keep any sleep for down. She  
died in Oct. of 2009. A single Mom she left behind  
2 teenage children. Her death has had a tremendous  
physiological effect on both children. Her insurance  
covered her illness so no, her parents didn't incur  
any medical expenses.

Any thoughts on the type of sentence you feel the defendant should receive?

There is probably no way to prove that the  
Coke Plant was directly responsible & there is no  
way to put a dollar amount on a situation like this anyway.  
But there is a reason why so many people in

Include anything else you feel is important for the judge to know before imposing a  
Sentence:

This area have <sup>been</sup> diagnosed with different forms  
of cancer. ~~we~~ My daughter lived at 1174 Stanley Rd  
for approx 6 yrs. The woman that we purchased the house  
from died from cancer shortly after my daughter  
I know of at least seven other people in this  
area that have died from cancer being treated  
for different forms of cancer.

I don't know what sentencing would be appropriate  
because nothing will bring back my daughter or the  
others that have died from this dreaded disease.  
Most of whom were young people.

293 westgate Rd.  
Kenmore, NY 14217  
May 27, 2013

To: The Honorable Judge William Skretny,

I moved into an apartment at the above address in July 1998, with my then husband and two year old son George. George developed chronic ear infections and asthma so bad he couldn't walk the four houses to the corner and would almost pass out from the inability to breathe. He was put on asthma medicine and inhalers by age 2½ with still much difficulty trying to breathe for almost another year and in that time started with autism which wasn't diagnosed fully until the age of 12 which by then most of the services could have been provided for him. He is currently a patient at West Seneca Children's Psychiatric Center for a month now and is currently 16 yrs. old. His father couldn't handle the care that was needed and we were divorced over that.

Also I have a son Logan born at the above address in Feb. of 2000. He developed difficulty breathing almost immediately. I almost lost him about 3 times. He developed chronic bronchitis asthma and have been on 2 inhalers a day since age 4. He also developed infant seizures lasting from one month until the age of 5.



He is still currently on asthma medicine and is now 13 years old.

I Anne Adams-Smitzer, had worsening asthma conditions after moving to this address and was told I may need an oxygen tank if I got any worse. I have had 3 serious asthma attacks where paramedics and first responders were needed. I have been on a strong inhaler (2x) a day with a rescue inhaler and so are both my boys.

I also in Feb. 2009, experienced a horrible chemical burn in my lungs & throat which (feeling) lasted six weeks.

Within 2 days I lost my voice for six months & have a permanent scar on my voice box from it. I became very sick after this & was found by Aug. 2009 to have a lung tumor that may be cancer it is in a spot where  $\frac{1}{2}$  of my lung would need to be removed to take a biopsy of it. I am now required to have an X-ray every 6 months. Since this incident I become very sick & fatigued at times which makes it almost difficult to go to work. Let alone handling both my sons health issues as a single mom. This has financially drained my family to the point that I can't afford to send them to college and am only able to provide the bare necessities for them. And I only make



between \$12-\$60 too much to qualify for any public assistance of any kind because they only check your gross wages. I have FMLA hours on a weekly basis and am lucky if I work 25 hours a week when I normally hold a 40 hr. a week job. I think the fine should be more than \$200 million because I have lived at the above address for 15 years and have medical bills alone over I would guess almost \$75,000 for my family alone in those years that I have lived at the above address. I normally spend \$5,000 to \$7,000 a year from my income on health needs for myself and my two sons.

**RECEIVED**

**MAY 29 2013**

U.S. Attorney's Office  
WDNY

**Attn: Sharon Knope**

**138 Delaware Avenue, Buffalo, NY 14202**

**From: Robert Usher**

I have lived in the 14150 and 14207 zip codes for the past 10 years. I am currently living at 91 Roswell Avenue, Tonawanda N.Y 14207, for the past 7 years here. I am in the United States Air Force and deployed at this time. With that said this is the reason I could not have made the deadline to your office via mail.

As I stated I am in the Air Force and try to stay in shape, I used to jog down River Road north in the early mornings, this is a 2 mile course laid out on river road. That allowed me to jog before work and not deal with the traffic that's picks up during the day. This was done 4 days a week up Roswell to river road turn north on river road towards small boat harbor.

I was diagnosed in October of 2008 with prostate cancer. At that time I was 45 years old and my Doctor stated that he was troubled by this because usually prostate cancer shows up in a male later in life. Additionally he reviews my family history and on both sides there is no prostate cancer in any of the males in my family. My father and brothers do not have it. My PSA level was off the chart at 13.4 and was given an antibiotic to see if that would bring it down. A week later had more blood work and still was PSA level at 13.4. So he sent me to a specialist and that doctor took 12 biopsies and 11 of the 12 were positive for cancer. Since it was far along stage 2 it was recommended that I have surgery. Talked with my primary care doctor and reviewed the results and agreed with the urologist.

On November 10, 2011 I had a prostatectomy and that was the removal of my prostate.

1. I suffered mentally because of the lack of cancer in family and how young I was I could not know why I had to get prostate cancer.
2. I suffered financially at the time I was working at Moog Inc. making good money until I was put on medical disability for some time.
3. My fiancée of 5 years left me shortly after I had trouble with sexual incontinence. Meaning what we had before was impossible to maintain to a good level. I agree living is better than not, meaning life will go on but it



impacts me greatly because I am worried about dating again and cannot perform as I did before surgery.

4. Additionally I had to wear a pad for months until I was able to control my urine movement. This was very embarrassing at the work place the pad was balky.
5. I want out of this area but when I talk to a realtor they don't come out and say it but they say house in this area don't sell and he did slip and stated due to press coverage and how living in this area leads to illness. With that said it's next to impossible to sell at a fair price.
6. My quality of life has diminished greatly as a result of the operation.

Currently I just got a biopsy of an enlarged lymph node under my left arm pit. Results will be back soon and I am terrified that it will come back positive for cancer. I hope I presented enough info for what the court was asking for and I hope I did not run on in my structure of information.

In closing there are two statements from both doctors that bother me, one my family primary doctor cannot provide a reason for this to happen to me with the good shape I was in and my good eating habits. Second, was the surgeon who removed my prostate said in all of the years he been practicing he has never seen such a deformed grow on my prostate and during the surgery he had to call in another doctor to help remove it due to the abnormal size and weird growth of my prostate.

By me typing out my full name acts as a sign document.

Robert Stanley Usher.

Feel free to call if you need any other documents or doctors names.

**Sincerely,**

**Robert Usher**

**Thank you for what you are doing, and God Bless you and your family.**

**DONALD A. VACANTI**  
**1570 BRONSON ROAD**  
**GRAND ISLAND, NY 14072**  
**(716) [REDACTED]-5444**

July 1, 2013

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue  
Buffalo, New York 14202

**Re: United States v. Tonawanda Coke Corp. and Mark L. Kamholz**  
**10CR219S**

Dear Ms. Knope:

Please allow this letter to serve as an Impact Statement for the above matter.

I have lived directly across from the Tonawanda Coke Corporation since 1971, on Grand Island, New York, and my family and I have been directly impacted by the black soot emissions and pollutants expelled from the Tonawanda Coke Plant.

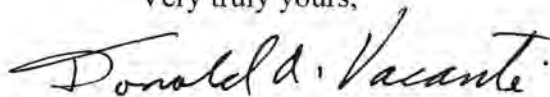
Throughout my entire time living at my present address, my family and I have witnessed heavy black soot expelled from the Tonawanda Coke Plant on a daily and nightly basis. These emissions have, on countless occasions, left black soot reside on our windows, house, yard, boat and pool. During the summer months, we are not able to open our windows at night, as the nightly foul smelling emissions have caused us to cough and have affected our ability to sleep and breathe.

My family and I, as well as many of our neighbors, have contacted the Tonawanda Coke Plant on several occasions throughout the years with our complaints and concerns. However, at no time did the emissions stop or reduce.

Since living there, I have developed severe asthma and respiratory infections. I have documented statements from my doctors indicating that my asthma is a direct result of the pollutants expelled from the Tonawanda Coke Plant. I have had to undergo extensive medical treatment for my asthma, including the necessity of using an inhaler on a daily and nightly basis.

I would sincerely hope that the Court imposes the strictest sentence possible on the defendants, as their actions have negatively impacted me and my family, our property value and our environment, and continue to do so today.

Very truly yours,



Donald A. Vacanti

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):** MILTAN VANOUAC

ENTIRE FAMILY

SELF

STOJA VANOUAC - MOTHER

OTORATO VANOUAC - BROTHER

BOJAN VANOUAC - BROTHER -

**Impact the crime and/or the defendants' conduct has had on you/your family:**

INCALCULABLE -

**Any thoughts on the type of sentence you feel the defendant should receive?**

COMMUNITY SERVICE CARING FOR

CANCER PATIENTS AFTER INCARCERATION -

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

TO TAKE INTO ACCOUNT THE MANY, MANY LIVES  
LOST AND/OR CHANGED BY TONAWANDA COKE  
CORPORATION'S IGNORING ENVIRONMENTAL  
LAWS AND REPORT FOR THE COMMUNITY -



Impact Statement Re:  
Toniawanda Coke

5/25/13

Dear Ms Knope,

Back in 1991 my husband and I purchased a home on Two Mile Creek Rd. nice, quiet area across from Erie Boeis. In 1998 my husband who worked for GM Toniawanda began to experience an increase in health problems mainly pulmonary. He already had some minor problems however ended up taking an early retirement in 1998 at age 56 due to an increase in respiratory issues.

Currently I am 56 years old and over the past several years have developed respiratory problems in which I take Advair, Albuterol and Prednisone when needed. I am not a smoker, but is my husband.

Also I have had two children who have experienced rhinitis or other slight respiratory ailments. Thankfully treatable.



I never gave the entire situation much thought, not being able to explain the reason for these issues. I was had Indoor Air professionals come in and sanitize the air ducts, thinking this may be the reason or part of the reason for the health issues. Ducts cleaned about 5 yrs ago however this did not identify the problems or alleviate them.

I guess one bright side to this is that not only myself + my husband can shed some light on these issues, but also others experiencing similar issues or worse have a possible explanation for these health issues Mark  
Tawanda Coke

Thank you for your care and concern,

Sincerely  
Elizabeth Westlake  
144 Two Mile Creek Rd  
Tawanda, NY 14150

**Knope, Sharon (USANYW)**

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**From:** cyndy <nycyndy@[REDACTED]>  
**Sent:** Friday, June 14, 2013 10:47 AM  
**To:** Knope, Sharon (USANYW)  
**Subject:** my grandson...please help us get this claim in.

my grandson was born with ptosis, eyes are affected for life. Jaiden underwent surgery at approximately 1 1/2 yrs old and it didn't work....it is a birth defect. His name is Jaiden Seneca and my daughters name is Alicia Seneca...Alicia and Shawn Seneca Sr. have 2 other children and was residing on Irene st. at time of offence she was pregnant with Jaiden. please contact Alicia at [REDACTED] 5237 regarding this matter. She has been confused on this whole thing regarding Tonawanda Coke Plant and it's violations including the harm it caused so many people. My husband and I have been trying to explain this to her that Jaiden will need several surgeries throughout his life that are not guaranteed. He has to look up to the sky to see people because his eyelids are tight and don't open....This is so sad that a 3 yr old has to suffer during play, school etc. Thank you, Mrs. Cynthia Wisniewski.  
716 [REDACTED] 5103



to whom it may concern,  
Although the situation has improved, I feel there is a lot more that needs to be done.

I live on Corder Dr. lived there since Aug. of 1987. Black soot was always a problem. My husband died of COPD and I have been treated and still treated for respiratory infection on and off.

Many of my neighbors have died of Cancer.

That's all I want to say. I hope they clear it all up - mainly Towards Lake so we can breath healthy air.

Carolyn Worder